

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 770
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety May 3, 2006 with recommendation that House Committee Substitute for Senate Bill No. 770 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3781L.02C

AN ACT

To repeal section 50.565, RSMo, and to enact in lieu thereof one new section relating to the county law enforcement restitution fund, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 50.565, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.565, to read as follows:

50.565. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county law enforcement restitution fund and shall be under the supervision of a board of trustees consisting of two citizens of the county appointed by the presiding commissioner of the county, two citizens of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county coroner or medical examiner. The citizens so appointed shall not be **current or former county elected officials**, current or former employees of the sheriff's department, the office of the prosecuting attorney for the county, **office of the county commissioners**, or the county treasurer's office. If a county does not have a coroner or medical examiner, the county treasurer shall appoint one citizen to the board of trustees. **Any person appointed to the board of trustees shall serve a term of three years and shall not serve more than two terms.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 2. Money from the county law enforcement restitution fund shall only be expended upon
14 the approval of a majority of the members of the county law enforcement restitution fund's board
15 of trustees and only for the purposes provided for by subsection 3 of this section.

16 3. Money from the county law enforcement restitution fund shall only be expended for
17 the following purposes:

18 (1) Narcotics investigation, prevention, and intervention;

19 (2) Purchase of law enforcement-related equipment and supplies for the sheriff's office;

20 (3) Matching funds for federal or state law enforcement grants;

21 (4) Funding for the reporting of all state and federal crime statistics or information; and

22 (5) Any **county** law enforcement-related expense, including those of the prosecuting
23 attorney, approved by the board of trustees for the county law enforcement restitution fund that
24 is reasonably related to investigation, charging, preparation, trial, and disposition of criminal
25 cases before the courts of the state of Missouri.

26 4. The county commission may not reduce any law enforcement agency's budget as a
27 result of funds the law enforcement agency receives from the county law enforcement restitution
28 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
29 funding received from other county, state, or federal funds.

30 5. County law enforcement restitution funds shall be audited as are all other county
31 funds.

32 6. No court may order the assessment and payment authorized by this section if the plea
33 of guilty or the finding of guilt is to [the charge of speeding, careless and imprudent driving, any
34 charge of violating a traffic control signal or sign, or] any charge which is a class C misdemeanor
35 or an infraction, **unless such charge is for a moving violation, as defined by section 302.010,**
36 **RSMo.** No assessment and payment ordered pursuant to this section may exceed three hundred
37 dollars for any charged offense, **unless the assessment and payment ordered is for a moving**
38 **violation, in which case, it may not exceed three hundred dollars.**